

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SEAN F. MESCALL,

Plaintiff,

Case No. 2:20-CV-11477

HONORABLE VICTORIA A. ROBERTS

v.

BUREAU OF PRISONS, et. al,

Defendants.

**OPINION AND ORDER DENYING THE MOTION FOR
RECONSIDERATION (ECF No. 28)**

Plaintiff's civil rights complaint was dismissed without prejudice on September 21, 2020, when Plaintiff failed to timely correct a filing fee deficiency by either paying the filing fee or submitting an application to proceed without prepayment of fees and costs and supporting documentation.

Plaintiff filed a Notice of Appeal (ECF No. 29). Petitioner also filed a motion for reconsideration. For the reasons that follow, the motion for reconsideration is denied.

Plaintiff filed a Notice of Appeal; this Court lacks jurisdiction to consider the motion for reconsideration. A notice of appeal generally "confers jurisdiction on the court of appeals and divests the district court of control over those aspects of the case involved in the appeal." *Marrese v. American Academy of Orthopaedic*

Surgeons, 470 U.S. 373, 379 (1985)(citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)(per curiam)); *see also Workman v. Tate*, 958 F.2d 164, 167 (6th Cir. 1992). Plaintiff filed a notice of appeal; this Court lacks jurisdiction to amend its original opinion and order to consider the merits of the case. *Workman*, 958 F.2d at 167-68; *see also Raum v. Norwood*, 93 F. App'x 693, 695 (6th Cir. 2004)(Plaintiffs deprived district court of jurisdiction over their motion for reconsideration by filing notice of appeal before district court had chance to make decision on motion to reconsider).

Based upon the foregoing, the motion for reconsideration (ECF No. 28) is DENIED.

IT IS SO ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: 11/23/2020